

COMMUNICATIONS SYSTEM AGREEMENT NO. 92483 - 009
STATEMENT OF WORK - AMENDMENT NINE

This Statement of Work-Amendment Nine to Communications System Agreement No. 92483 (the "Agreement") is made this 11th day of June, 2007, (the "Effective Date"), by and between Motorola, Inc. ("Motorola") and the City of Phoenix ("City"). The Agreement shall be amended as follows:

WHEREAS, the City and Motorola entered into the Agreement on June 23, 2000, pursuant to which the City agreed to purchase from Motorola and Motorola agreed to provide City with a Communications System;

WHEREAS, the parties wish to modify certain terms and conditions of the Agreement relating to Statement of Work;

WHEREAS, the terms of this Amendment Nine which are defined in the Agreement shall have the same meanings in this Amendment Nine as are set forth in the Agreement;

WHEREAS, this Amendment Nine is authorized by Formal Action of the City Council dated June 6, 2007

NOW, THEREFORE, for and in consideration of the mutual promises and terms set forth herein, the parties agree to amend the Agreement as follows:

I. STATEMENT OF WORK

The attached Exhibit A, "*PRWN/TOPAZ EXPANSION AND CITY OF TEMPE TRANSITION PROJECT PRELIMINARY DESIGN DOCUMENT*", dated May 10, 2007 is the Statement of Work (SOW) for this Amendment Nine. The SOW describes the documentation to be furnished to the City Project Manager and the tasks to be performed by Motorola and the City, to provide a preliminary design for the expansion of Zone 2 of the Phoenix/Mesa ASTRO 25 trunked radio system to support the City of Tempe.

A. Term Of Amendment Nine

This Amendment Nine shall commence upon the Effective Date and shall terminate upon: (1) City approval of the completed services as set forth in the Statement of Work; (2) the payment of the maximum compensation under Item C-Payment of this Agreement, unless it is amended to allow additional compensation; or (3) the termination by either party pursuant to the provisions of this Agreement, whichever occurs first.

B. Amendment Nine Documents

The documents that comprise this Amendment Nine, are Exhibit A: "*PRWN/TOPAZ EXPANSION AND CITY OF TEMPE TRANSITION PROJECT PRELIMINARY DESIGN DOCUMENT*", dated May 10, 2007.

C. Payment / Project Pricing

The total amount to be remitted to Motorola for all services satisfactorily performed under this Amendment Nine shall not exceed Twelve Million, Eight Hundred Thirty Eight Thousand, Six Hundred Thirty Two and ⁴⁴/₁₀₀ dollars (\$12,838,632.44). This amount includes Arizona construction taxes (8.1% tax rate on 65% of the total contract price). Final costing will be contingent upon the formal change order process and subsequent changes to this Amendment.

The agreed upon pricing is detailed below and amends page P-1 of attached Exhibit A:

I. Simulcast F Subsystem	\$ 7,166,280.97
Ia. DPSS Additional Site Option	\$ 1,102,396.20
II. Tempe Dispatch Subsystem	\$ 2,241,860.97
III. Tempe Civil Development	\$ 2,229,582.50
Expand Simulcast A Option (1Ch)	\$ 405,766.00
Expand Simulcast D Option (1Ch)	\$ 405,766.00
Sub-Total	\$13,551,652.64
Contract by 6/15/07 Discount	(\$ 1,355,165.26)
Sub-Total	\$12,196,487.38
Estimated AZ Construction Taxes:	\$ 642,145.06
<u>Grand Total</u>	<u>\$12,838,632.44</u>

Payment will be as follows:

- 10% Upon Submission and Customer Approval of Detail Design Review (DDR)
- 20% Upon Successful Completion of CCSI Staging
- 20% Upon Delivery and Customer Approval of Inventory Validation
- 7.5% Upon Installation and Customer Acceptance of Equipment at the Tempe Police Department South Substation Site (TPDS)
- 7.5% Upon Installation and Customer Acceptance of Equipment at the Papago Butte Water Tower Site (PBWT)
- 7.5% Upon Installation and Customer Acceptance of Equipment at the Tempe Fire Training Center Site (TFTC)
- 7.5% Upon Installation and Customer Acceptance of Equipment at the Bell Butte Site (BBUT) and any optional site(s)
- 10% Upon 1) System Training and 2) Initial System Acceptance or Start of Beneficial Use
- 10% Upon Final Acceptance

D. Residual Funds

The total cost of this work (Amendment Nine) counts towards clearing the in-building coverage residual funds and will result in a zero balance.

IBC-	Description	Amount w/o Tax	Amount Remaining w/o Tax
	Original Balance w/o Tax = \$3,603,004.00 (Estimated tax is \$144,899 - TOTAL w/Tax = \$3,747,903) The original balance is derived from Amendment 4	3,603,004.00	
IBC-1	Discovery and Design: PPSB, PCOM, Southern Command, Municipal Court	89,107.00	3,513,897.00
IBC-2	Discovery and Design: Aviation SAQT Buildings	101,605.00	3,412,292.00
IBC-3	Discovery and Design: Aviation Baseline	182,220.00	3,230,072.00
IBC-4	Iterim system for T4 Customs	45,407.00	3,184,665.00
IBC-5	Confirm Running Total of \$418,339 w/o tax	0.00	3,184,665.00
IBC-6	In-building treatment for T4 Customs and Baggage	0.00	3,184,665.00
IBC-7	Coverage investigation T4 S2 Concourse	36,735.00	3,147,930.00
IBC-8	Coverage investigation Rental Car Center	0.00	3,147,930.00
IBC-9	Coverage investigation Interim Solution	1,800.00	3,146,130.00
IBC-10	Time Sync (Atomic Clock) for Aviation	7,276.00	3,138,854.00
IBC-11	Add 4 new 3311 lines to the Vesta	44,084.00	3,094,770.00
IBC-12	T4 S2 Concourse Interim Solution	283,124.00	2,811,646.00
IBC-13	Additional Spare Parts	650,859.00	2,160,787.00
IBC-14	Dual Site Links	189,960.00	1,970,827.00
IBC-15	Additional Fire Consoles	124,199.00	1,846,628.00
IBC-16	Glendale TeNSr Redundancy	38,400.00	1,808,228.00
	Sky Harbor Microwave Relocation Architect Services Amendment 7	366,356.00	1,441,872.00
IBC-17	KMF Upgrade to 6.7 and Informal Training	43,192.00	1,398,680.00
	Amount of Amendment 9 Applied to Residual Funds	1,398,680.00	0.00

Other than the amended terms set forth herein, the terms and conditions of Agreement No. 92483, shall remain unchanged and in full force and effect.

MOTOROLA, INC.

CITY OF PHOENIX, a municipal corporation
FRANK A. FAIRBANKS, City Manager

By: [Signature]
Printed Name: Kelly M. Kirwan

By: [Signature] 6/13/07
Rob Sweeney Date
Interim Chief Information Officer

Title: Vice President,
State & Local Government Markets

ATTEST:

Date: 6/12/2007

[Signature]
City Clerk



APPROVED AS TO FORM:
[Signature]
Acting City Attorney

CITY CLERK DEPT
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